

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION**

ROXELLA LYONS,

Plaintiff,

vs.

JEFFERSON COUNTY; and CITY  
AND COUNTY OF BUTTE-SILVER  
BOW,

Defendants.

CV 21-44-H-JTJ

**ORDER**

Defendant City and County of Butte-Silver Bow (Butte-Silver Bow) has moved for entry of a final judgment in its favor under Fed. R. Civ. P. 58(d). Butte-Silver Bow argues that a final judgment should be entered under Rule 58(d) because the Court granted its motion for summary judgment on December 22, 2022.

Butte-Silver Bow's motion for entry of final judgment is governed by Fed. Rule Civ. P. 54(b). Rule 54(b) allows a district court to enter final judgment as to one party in a multiple party lawsuit only if the court makes an express determination "that there is no just reason for delay." Fed. R. Civ. P. 54(b). In determining whether there is no just reason for delay, the court must consider both

the equities of the situation and the judicial interest in preventing piecemeal appeals. *McAdams v. McCord*, 533 F.3d 924, 928 (8th Cir. 2008). Entry of final judgment under Rule 54(b) is not to be “indulged as a matter of routine or as a magnanimous accommodation to lawyers or litigants.” *Nystedt v. Nigro*, 700 F.3d 25, 29 (1st Cir. 2012). A Rule 54(b) motion should be granted only if there exists some hardship or injustice that would be alleviated by an immediate appeal. *McAdams*, 533 F.3d at 928.

Here, Butte-Silver Bow has identified no hardship or injustice that would result if the Court waits until Plaintiff’s claims against Jefferson County are resolved before entering a final judgment. Plaintiff’s claims against Jefferson County are set for trial on March 14, 2023. (Doc. 80).

Accordingly, IT IS HEREBY ORDERED:

Butte-Silver Bow’s Motion for Entry of a Final Judgment (Doc. 73) is DENIED without prejudice. Butte-Silver Bow may renew its motion after Plaintiff’s claims against Jefferson County are resolved.

DATED this 7th day of February, 2023.



John Johnston  
United States Magistrate Judge